

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4 and 6-13 are pending in this application. Claims 1, 9, 10 and 12 are amended by the present response to clarify subject matter recited. Applicant submits that no new matter is introduced.

In the outstanding Office Action, Claims 1-4, 7-10 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bourdelaïs (U.S. Patent No. 6,727,925) in view of Lin (U.S. Patent No. 6,369,835), and further in view of Neven et al. (U.S. Patent No. 6,948,131, herein "Neven"). Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bourdelaïs in view of Lin, and further in view of Davis et al. (U.S. Patent No. 5,969,716, herein "Davis"). Claims 11 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bourdelaïs in view of Lin and Neven, and further in view of Ubillos (U.S. Patent No. 5,999,173).

Addressing now the rejection of Claim 1 based on the combined teachings of Bourdelaïs, Lin and Neven, that rejection is traversed by the present response.

Independent Claim 1 is amended to clarify subject matter recited. Specifically, amended Claim 1 now recites the features of *the data-providing apparatus including:*

user video-data management means for storing said one or more scenarios and said image data items;

receiving means for receiving the image data items transmitted by a user from the data-processing apparatus through the network;

temporary storage means for temporarily storing ...;

means for selecting ...; and

editing means for editing the image data items that are received by the receiving means and allocated to the scenes of the acquired scenario.

According to the present invention recited in amended Claim 1, the data-providing apparatus includes the receiving means for receiving the image data items transmitted by a

user from the data-processing apparatus through the network. Thus, the user can transmit over the Internet the user's own image data items such as moving pictures, still pictures and sound files, from the user's data-processing apparatus (e.g., the user's personal computer) to the data-providing apparatus.

Further, the data-providing apparatus includes the editing means for editing the image data items that are received by the receiving means. Thus, the user is allowed to perform the editing of the user's own image data items *in the data-providing apparatus by remotely accessing from the user's data-processing apparatus through the network*. As a result, the data-providing apparatus enables the user to perform the editing at high-speed over the Internet.¹

The outstanding Office Action recognizes that the combined teachings of Bourdelaïs and Lin do not disclose the receiving means for receiving *the image data items transmitted by a user* from the data-processing apparatus through the network, as recited in Claim 1. Accordingly, the combined teachings also fail to disclose the “*editing means for editing the image data items that are received by the receiving means*,” as recited in amended Claim 1.

Though the outstanding Office Action relies upon the teachings in Neven to overcome such deficiencies in the combined teachings of Bourdelaïs and Lin,² Applicant respectfully submits that Neven does not supplement the above-noted deficiencies of the combined teachings of Bourdelaïs and Lin.

In this regard, the outstanding Office Action asserts that Neven teaches “image data items being transmitted by a user (fig. 7; col. 3, lines 1-10; col. 5, lines 37-48; col. 6, lines 41-57; *users can send and receive various data including video data*)” (emphasis in original).³

¹ See the present specification at page 12, line 12 through page 13, line 16, and Fig. 1, for example.

² See the outstanding Office Action at page 4, the first paragraph.

³ See also the outstanding Office Action at page 4, the first paragraph.

Nevertheless, the invention in Neven is merely describes a rich media communication system as follows:⁴

A block diagram of an embodiment of a rich media communication system 210 of the invention is shown in **FIG. 16**. The system includes *a rich media server 212 and a number of rich media clients 214. A user creating a rich media communication has a client that includes to a web browser 216, a personal communicator 218, and an authoring tool 220. The authoring tool includes a creator studio 222 that receives live input 224 and stored media 226. ...*

The server includes a web server 232, message hosting 234, and communication services 236. The server also includes resource information and parameters for each user allowing other users to engage in direct communication with a user based on the parameters stored on the server.

Clients of other users may include a personal communicator 218 having only a player window or may include the authoring tools described above. A client side personal communicator 218 is shown in more detail in **FIG. 17**. The communicator has links to the server 212 through message terminus 238, real time terminus 240, and a connector 242. *Media is input from the live input 224 or from the stored media 230 into the authoring tool or personal creator 222.* The media is encoded into a stream as a real time format or as a message format. In the real time format, the stream is directed to the communicators of other users. In the message format, the stream is directed to a message center 244 that stores the message 246 and provides a message composer 248 and message reader 250.

Contrary to the present invention recited in Claim 1, in the rich media communication system 210 in Neven as described above and shown in Figs. 16 and 17, the authoring tool 220 with the creator studio 222 is included in the rich media client 214. The media is input from the live input 224 or from the stored media 230 into the authoring tool or the creator studio 222. Further, the rich media server 212, which communicates with the rich media client 214, merely includes a web server 232, message hosting 234, and the communication services 236.

Accordingly, Neven clearly fails to teach or suggest *the data-providing apparatus including the “receiving means for receiving the image data items transmitted by a user from the data-processing apparatus through the network, and the “editing means for*

⁴ See Neven at column 8, lines 10-57.

editing the image data items that are received by the receiving means,” as recited in amended Claim 1.

Thus, even considering the references of Bourdelaïs, Lin and Neven together, only the present specification teaches the features of Claim 1 in which the data-providing apparatus includes the “*receiving means for receiving the image data items transmitted by a user from the data-processing apparatus through the network;*” and the “*editing means for editing the image data items that are received by the receiving means* and allocated to the scenes of the acquired scenario.” Therefore, amended Claim 1 is patentably distinguishable over the combined teachings of Bourdelaïs, Lin and Neven.

It is noted that the present invention recited in amended Claim 1 is also distinguishable over the teachings of Ubillos for substantially the same reasons advanced for the teachings of Bourdelaïs, Lin and Neven. In this regard, the embodiment in Ubillos includes “programmed microprocessor 31, main memory 32 (a random access memory), mass storage device 33, and inter face 37, all connected along a system bus 34[.]”⁵ In contrast to the present invention recited in Claim 1, Ubillos describes that appropriately programmed microprocessor 31 of the embodiment performs all necessary digital processing operations on data sets received from memory 32 or 33; and that microprocessor 31 is programmed with editing software.⁶ Accordingly, Ubillos fails to teach or suggest the data-providing apparatus including at least the receiving means and the editing means, as recited in amended Claim 1.

Independent Claims 9, 10 and 12 are considered distinguishable over the combined teachings of Bourdelaïs, Lin and Neven at least for the above reasons advanced for amended Claim 1 to the extent that Claims 9, 10 and 12 are amended similarly to Claim 1.

⁵ See Ubillos at column 4, lines 31-35.

⁶ See Ubillos at column 4, lines 46-50, and column 5, lines 16-22.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of independent Claims 1, 9, 10 and 12, and the claims dependent therefrom, based on the combined teachings of Bourdelaïs, Lin and Neven.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for formal allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

BDL/HY/msh
I:\ATTY\HY\27S\275753\275753 AME 2.DOC